

**Introduced by Senator Morrow**

February 17, 2005

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An act to add Section 13083 to the Financial Code, relating to automated teller machines.

LEGISLATIVE COUNSEL'S DIGEST

SB 389, as amended, Morrow. Automated teller machine fees.

Existing law prohibits an operator of an automated teller machine from imposing a surcharge upon a customer unless the surcharge is disclosed to the customer.

This bill would provide that an agreement to operate or share an automated teller machine may not prohibit, limit, or restrict the *right of the operator of an automated teller machine from charging to charge a customer conducting a transaction using an account from a financial institution that is located outside the United States* an access fee or surcharge.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13083 is added to the Financial Code,
- 2 to read:
- 3 13083. (a) ~~An operator of an automated teller machine may~~
- 4 ~~charge an access fee or surcharge to a customer for the use of the~~
- 5 ~~machine, subject to the requirements of Section 13080.~~
- 6 ~~(b) An~~ Subject to the requirements of Section 13080, an
- 7 agreement to operate or share an automated teller machine may

1 not prohibit, limit, or restrict the *right of the* operator of the  
2 automated teller machine ~~from charging~~ *to charge* a customer  
3 *conducting a transaction using an account from a financial*  
4 *institution that is located outside the United States* an access fee  
5 or surcharge not otherwise prohibited under state or federal law.

6 (e)

7 (b) For purpose of this section, the terms “operator” and  
8 “automated teller machine” have the meanings set forth in  
9 Section 13020.